

NOTICE: This is an electronic bench opinion which has not been verified as official.

Date Issued: May 2, 1997

Case Nos.: 97-MSP-3
 97-MSP-7
 97-MSP-8

In the Matter of:

DOYLE LINDSEY,
Respondent

Before: JOHN M. VITTON
Chief Administrative Law Judge

DECISION AND ORDER

This case arises under the Migrant and Seasonal Agricultural Workers Protection Act (MSPA), 29 U.S.C. §§ 1801, et seq., and the implementing regulations at 29 C.F.R. Part 500.

By notices dated August 23, 1995, the Wage and Hour Division of the United States Department of Labor (DOL) notified Doyle Lindsey (Respondent) of the assessments of civil money penalty for violating the MSPA and its regulations. The amounts of \$24,150, \$5,150, and \$4,575 were assessed against Respondent in 97-MSP-3, 97-MSP-7, and 97-MSP-8, respectively. Respondent timely filed exceptions to the assessments. In September 1996, Respondent died. Therefore, the Estate of Doyle Lindsey is substituted as Respondent.

On October 18, 1996, DOL and Respondent filed executed Consent Findings with this Office. Therein, DOL and Respondent stated that they have negotiated a settlement of all disputed claims. Pursuant to 29 C.F.R. § 500.232, the parties request review of the agreement and an order disposing of these proceedings. Because the Estate of Doyle Lindsey has no substantial assets, DOL has agreed to reduce the civil money penalties to zero. Respondent has agreed to withdraw the requests for hearing. Further, Respondent has agreed that its duties, respon-

sibilities, and obligations are not reduced under the MSPA and its regulations. This Office shall retain jurisdiction for the purpose of enforcing the Consent Findings.

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Upon review of the record, the Consent Findings are APPROVED. This agreement constitutes full and final resolution of this matter. It is ORDERED that:

- 1) this order shall have the same force and effect as an order made after full hearing;
- 2) the entire record upon which this order is based shall consist solely of the amended notice of administrative determination and the Consent Findings;
- 3) any further procedural steps before this Office are waived; and
- 4) any rights to challenge or contest the validity of this order entered into in accordance with this agreement are waived.

It is FURTHER ORDERED that above-captioned cases be DISMISSED.

JOHN M. VITTON
Chief Administrative Law Judge

Washington, DC

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